

***Weare Open Space Committee***  
***Minutes***  
***March 28, 2006***  
**+++++FINAL+++++**

In attendance were: John Ciampi, Andy Fulton, Steve Najjar, Andrea Alderman, and Pat Myers, and George Malette.

Steve called the meeting to order at 7:10 PM.

**Minutes** – The members reviewed the minutes of January 24, 2006. The changes included:

- Page 2, 3<sup>rd</sup> bullet, change “conclusive vote” to “final say”.
- Page 2, 4<sup>th</sup> bullet down, change “approve” to “accept”.
- Page 2, 5<sup>th</sup> bullet, change “disbursing” to “covering”.
- Page 2, 11<sup>th</sup> bullet down, change “Forrier” to Poirier”.
- Page 2, next to last bullet; change “Vigotta” to “Fagetta”.

Pat made motion to accept these changes as proposed, and Andrea 2<sup>nd</sup>. All voted in favor, and the minutes of 1-24-06 are finalized.

**By-Laws** – Steve addressed this issue, and he indicated that to create workable OSC by laws, the Conservation Commission By-Laws need amending, particularly section IV A:1 which depicts having a coordinator/liaison between the two Committees. It is unclear to the OSC the precise definition of, and the proper function of, the position of “Coordinator”, and Steve would like this wording clarified. Also, Steve wants to include in the WCC by-laws recognition that the OSC exists, and is replete with its own by-laws. These OSC by-laws, to be correct and effective, must indicate who is chairing the sub-committee, and that there is someone duly appointed to record the proceedings. Andy suggested the modification of the WCC by-laws can be put on their April’s agenda. Steve mused that the OSC may not need its own by-laws, but to simply reference the OSC in the WCC by-laws would be sufficient. Andy suggested amending section XI of the WCC by-laws to reflect the existence of the OSC by adding the sub letter “(a) special committee”, and inserting a sub letter “(b)” for the OSC, and at this point, Steve suggested a brief mention of the purpose and objectives of the OSC. Also, discussion was raised concerning a more inclusive definition of the duties of an ex-officio. According to George, an ex-officio has full membership status on a board, but problematic if he/she doesn’t attend any meetings since it ties up a voting position on that board. Pat suggested asking the Select board their opinion concerning participation on the various boards, and weaving their response into the OSC by-laws draft; however, Steve pointed out that it is more important to incumbent the document with abundant clarity as to the objectives of the OSC, least its effectiveness be diminished. As discussion proceeded on this subject, some possible inclusive considerations tabled were the inclusion of background and historical information, the choosing of voting members and alternates, and maximum number of participating members. Andrea offered that it may be advantageous for the OSC to stipulate unlimited alternates in order to ensure a quorum on important matters. At close of this discussion, Steve urged members to give pause to this issue, noting any additions, changes, or ideas they might conceive, and they will be discussed and acted upon at next month’s meeting. Pat made motion that members ignore continuing with work

on the WCC by-laws for now, assuming there will be changes made to this document at the closest opportunity. John 2<sup>nd</sup>, all voted in favor, and the motion carries.

**Election of Officers** – John nominated Steve as Chair, and Andy 2<sup>nd</sup>. Steve accepted this nomination, and his position becomes official for one year. Andy made motion to nominate Andrea as vice chair, and John as secretary, and Pat 2<sup>nd</sup>. Andrea accepted position of vice chair for one year, and John accepted position of recording secretary for one year, and the nominations now become official.

**Pine Hill Update** – There will be a special meeting of the OSC next Wednesday, April 5, at 7 PM in the Conservation Room for the express purpose of deciding a land trust agency for the Pine Hill Property, and to discuss and formalize the warranty deed pertaining to this property. Also, concerning this update, Frank Ferrante is in the final phase of having his 8 lot and 20 acre lot approved. Steve will call Selectman Leon Methot about the status on the bond which is being used as partial payment for the Pine Hill Property. Andy brought up the Fish and Game Grant, and Steve considers it a done deal. Pat broached that a hearing must be held before expending the Pine Hill obligation funds from the Conservation Fund, and she asked if due diligence is required, although she doesn't feel there are any contaminants on the property. Steve agreed, and also added this property still needs to complete a title search. Continuing with discussion, the two likely candidates for holding an easement on this property are the Forest Society, and the PWA, and representatives from each organization plan to attend next month's special meeting. Steve noted that his main concern with the wording of the warranty deed is to give the OSC flexibility in managing it accordingly, to allow hunting and trapping, and to have provisions for public access. Steve speculated on the feasibility of having either one or both of these two conservation groups hold easements on other open space land in town. Steve asked these evenings' members to give some advance thought as to the questions posed to PWA and the Forest Society. Steve distributed copies of the warranty deed template for member's review, reminding the Committee members that this deed must set aside provisions for a parking area and a granite monument honoring the parents of benefactor Mildred Hall. Steve feels that a Forestry Management Plan should not be included in this document since this is not a land trust's bailiwick. Steve questioned why the deed restrictions stipulate posting "no motorized vehicles" since a State law already exists prohibiting their access unless granted permission by the land trust. Pat responded that the signs could help reduce this type of violation, even though ORV operators should be acquainted with the regulations. However, Steve's hang up with this clause is that it gives the easement holder authority to mandate enforcement of certain regulations incumbent upon the WCC, which as Steve indicated, they do not have this kind of authority. At some point in time, Steve recommends this deed pass to Town Council for review. Next Steve addressed the Condemnation Clause stating that in the happenstance this property had its easement removed, the monies resulting from that sale should revert back to the Conservation Fund and not to the easement holder, as stated under the Condemnation Clause. In the Transfer section, the Committee agreed to include the wording "non transferable". George forwarded that the *Mildred Hall Advisory Committee* should have some input as to the future management of this acreage. At this juncture of the meeting, discussion ensued on the Management Plan and how it should be written; however, no consensus developed, and has been shelved in the interim. Some questions proposed for next month's special meeting are: What will be the transaction costs to the Town?; How will the land stewardship be managed? What is the attitude towards hunting and fishing? ; Will the property be considered Town Forest or open conservation land? ; What are the management differences between the two land trusts? ; Where will the parking areas be located? ; Is the number of access points of concern? ; Who will be the secondary easement holder?; What is the strategy concerning educational pursuits on the Property?

**Oliphant Appraisal** - Steve distributed copies of the Oliphant Appraisal in which he urged the members to review it between now and the next regular scheduled meeting of the OSC, noting any changes or conflicts. Steve pointed out that his main contention with this appraisal, as it is written, is that the Tiffany Hill Rd. upgrade, from gravel to paved, seems too low at \$100.00 per linear foot. Steve also questions the intent of Henry Tiffany, a neighbor of Mr. Oliphant and an interested in this land issue. The sub development value attached to this property comes in at \$350K, while the conservation easement value is \$280.5K, and the acreage involved is 64, calculating in at \$5468.00/acre for full value, and \$4382.00 for open space value. One comment was to make an offer somewhat below appraisal price. Pat chimed in that a bargain sale might be applicable here. Steve kicked around the idea of the OSC acting as a developer, for instance, purchasing the land, getting approval for one house lot, and then reselling it for highest bid. Further discussion swirled around funding, contacting Henry Tiffany, and strategy. On a final note, Steve mentioned Mike Boyko, chief negotiator for the Oliphant Property, should be present for any further discussion on this land project.

**Pat's Agenda** – Pat had several items she wanted to discuss pertinent to the OSC:

- Pat purchased some pamphlets from the Audubon Society about conserving grassland birds, especially Bobolinks.
- She noted that the Town Report incorrectly lists conservation property, and needs rectification.
- Pat reported there is listed in the Town Report a parcel of land on Wildwood Rd., taken for tax purposes, and should be looked into.
- Pat gleaned information from Gordon Russell, local conservation activist, concerning the Abijah Bridge Dam. Apparently, Carl Knapp, Road Maintenance Supervisor for the Town of Weare, proposes to construct the new bridge utilizing wood rather than concrete, and ostensibly, the dam cannot be constructed to a wooden structure. Pat added that all other requirements are in place, such as funding, permits, and abutter notices.

**Adjournment** – Andy made motion to adjournment, and John 2<sup>nd</sup>. All voted in favor, and with no further business before the Committee, adjourned at 9:55 PM.

Respectfully Submitted,

John Ciampi  
Recording Secretary, WOSC

cc: Town Clerk  
Files  
Tina Pelletier  
BOS